

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY ROBERT PETROZZI,

Plaintiff,

v.

JAY INSLEE, et al.,

Defendants.

CASE NO. C20-6000BHS

ORDER

THIS MATTER is before the Court on pro se Plaintiff Timothy Petrozzi's Motion for Leave to Proceed *in forma pauperis*. Dkt. 95. This filing is Petrozzi's seventy-eighth proposed civil rights complaint. Dkts. 6–81, 88, and 95.

This Court previously determined that Petrozzi is a serial filer of frivolous complaints. Dkt. 5. It issued a Bar Order requiring him to make an affirmative initial showing—under penalty of perjury—that he seeks to litigate new claims not present in his earlier filings. *Id.* If he asserts a 42 U.S.C. § 1983 claim, he is required to demonstrate in the first instance that he is in “imminent danger of serious bodily injury or death.” *Id.* He has again failed to make the required showings.

1 Petrozzi's latest proposed complaint again names President Biden, Governor
2 Inslee, and Attorney General Ferguson (as well as Mayor Selby of Olympia, Washington)
3 as Defendants. This proposed complaint seeks \$12,000,000,000 based on "genocide" and
4 the "unlawful practice of medicine" based on vaccine mandates, which he claims "is
5 killing 1000's of citizens." Dkt. 95-1 at 6.

6 Even absent a bar order, a court should "deny leave to proceed *in forma pauperis*
7 at the outset if it appears from the face of the proposed complaint that the action is
8 frivolous or without merit." *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1370 (9th
9 Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma*
10 *pauperis* complaint is frivolous if "it ha[s] no arguable substance in law or fact." *Tripati*,
11 821 F.2d at 1370 (citing *Rizzo v. Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v.*
12 *Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984)).

13 Like his earlier filings, Petrozzi's most recent proposed complaint is nonsensical,
14 and it is frivolous as a matter of law. It does not meet the *in forma pauperis* standard, and
15 it does not meet the standard set in the Bar Order. The Motion for leave to proceed *in*
16 *forma pauperis*, Dkt. 95, is **DENIED**, and his proposed complaint is **DISMISSED with**
17 **prejudice**.

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1 The Clerk shall terminate any other pending motions. No Judgment shall be
2 entered (because any future proposed claims will be opened in this case), but this Order
3 terminating this proposed action is final and appealable.

4 **IT IS SO ORDERED.**

5 Dated this 31st day of August, 2021.

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8 BENJAMIN H. SETTLE
9 United States District Judge
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